

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA                    )  
  )  
                  PLAINTIFF,                    )  
  )  
          v.                                    ) CIVIL ACTION NO. 2:07-cv-687-MEF  
  )  
APPROXIMATELY TWELVE THOUSAND )  
(\$12,000) DOLLARS IN UNITED )  
STATES CURRENCY,                    )  
  )  
                  DEFENDANT.                )

THE UNITED STATES OF AMERICA'S  
MOTION FOR SUMMARY JUDGMENT

The United States of America (United States), by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and Tommie Brown Hardwick, Assistant United States Attorney, pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby submits the United States' Motion for Summary Judgment on the following grounds:

1. The Defendant currency constitutes monies furnished, or intended to be furnished, in exchange for controlled substances, or represents proceeds of trafficking in controlled substances or was used or intended to be used to facilitate violations of Title 21, United States Code, Sections 801 et seq.

2. There is no genuine issue of material fact, and the United States is entitled to summary judgment as a matter of law on the claim of Derrick Davis. Accordingly, his interest in the Defendant currency is forfeited to the United States.

3. This Motion for Summary Judgment is based upon the Verified Complaint for Forfeiture In Rem, the pleadings, the attached Brief and Memorandum of Law, the attached deposition, and affidavit of Sergeant Andy L. Martin.

WHEREFORE, PREMISES CONSIDERED, the United States moves that summary judgment be granted in its favor against the Claimant, and that the relief requested in the Verified Complaint for Forfeiture In Rem be awarded to the United States.

Respectfully submitted this 19<sup>th</sup> day of February, 2008.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

/s/Tommie Brown Hardwick  
Tommie Brown Hardwick  
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CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Dustin J. Fowler.**

/s/Tommie Brown Hardwick

Tommie Brown Hardwick  
Assistant United States Attorney